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10 *Attorneys for Defendants*

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12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14

15 RAEF LAWSON, in his capacity as
Private Attorney General
16 Representative,

17 Plaintiff,

18 v.
19 AMAZON.COM, INC. and
AMAZON LOGISTICS, INC.,

20 Defendants.

21 Case No. 2:17-cv-02515-AB-RAO

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23 **DEFENDANTS' NOTICE OF**
MOTION TO DISMISS, OR IN
THE ALTERNATIVE, MOTION
TO TRANSFER OR STAY

24 Date: September 15, 2017

25 Time: 10:00 a.m.

26 Dept.: Courtroom 7B

27 Hon. André Birotte Jr.

1 **TO THE UNITED STATES DISTRICT COURT FOR THE**
 2 **CENTRAL DISTRICT OF CALIFORNIA AND TO PLAINTIFF AND**
 3 **HIS ATTORNEY OF RECORD:**

4 **PLEASE TAKE NOTICE THAT** on September 15, 2017 at 10:00
 5 a.m. (or as soon thereafter as the matter may be heard in Courtroom 7B of
 6 the above-entitled Court), Defendants Amazon.com, Inc. and Amazon
 7 Logistics, Inc. (together, “Defendants” and “Amazon”) will move the Court
 8 for an order dismissing all claims of Plaintiff Iain Mack (“Plaintiff”) in favor
 9 of the related and first filed *Rittmann, et al. v. Amazon.com, Inc. and*
 10 *Amazon Logistics, Inc.*, Case No. 2:16-cv-01554-JCC (W.D. Wash.), class
 11 and collective action currently pending in the Western District of
 12 Washington (*Rittmann*). In the alternative, Defendants move for an order
 13 transferring this matter to the Western District of Washington or staying this
 14 action in its entirety.

15 This motion is made pursuant to the first-to-file rule of federal comity.
 16 *See Pacesetter Sys, Inc. v. Medtronic, Inc.*, 678 F.2d 93, 94-95 (9th Cir.
 17 1982); *Cedars-Sinai Med. Ctr. v. Shalala*, 125 F.3d 765, 769 (9th Cir. 1997).
 18 Where, as here, an action is brought and there is another earlier filed case (or
 19 here two earlier cases) alleging the same or similar claims on behalf of the
 20 same or a similar class, principles of federal judicial comity compel
 21 dismissal, a stay or transfer. *Id.*

22 This motion is made following the conference of counsel pursuant to
 23 L.R.7-3 which took place on June 2, 2017. The foregoing motion is based
 24 on this notice of motion, the accompanying memorandum of points and
 25 authorities, the declaration of Kyle Bowers filed concurrently herewith and
 26 all exhibits attached thereto, all pleadings and motions on file in this action,
 27 and on such further written or oral argument as may be permitted by this
 28 Court.

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3 Dated: August 16, 2017
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10 By: /s/ Johh S. Battenfeld
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12 Attorneys for Defendant
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